

1 JOSEPH P. RUSSONIELLO (CABN 44332)  
2 United States Attorney

3 BRIAN J. STRETCH (CABN 163973)  
Chief, Criminal Division

4 GRANT P. FONDO (CABN 181530)  
5 Assistant United States Attorney

6 150 Almaden Boulevard, Suite 900  
7 San Jose, California 95113  
Telephone: (408) 535-5035  
FAX: (408) 535-5035

**FILED**

APR 15 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA, } No. CR 08-00376 RMW  
14 Plaintiff, }  
15 v. } STIPULATION AND [PROPOSED]  
16 LEONARDO FERNANDEZ-RAMOS, } ORDER EXCLUDING TIME FROM  
17 Defendant. } MARCH 20, 2009 THROUGH APRIL 13,  
CALCULATION (18 U.S.C. §  
3161(h)(8)(A), (B))

18  
19 On March 20, 2009 the parties appeared for a status hearing before the Court. At that time,  
20 based upon the request of counsel for defendant and with the agreement of the government, the  
21 court set the matter for a status hearing before the Honorable Ronald W. Whyte; the parties  
22 agreed on April 13, 2009, at 9:00 a.m. As the Court was advised, counsel for the defendant  
23 continues to investigate the case and review discovery. All parties stipulated to an exclusion of  
24 time through April 6, 2009 under the Speedy Trial Act to allow counsel for the defendant  
25 reasonable time for effective preparation.

26 The government hereby submits this written request for an order finding that said time is  
27 excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served by  
28 taking such action and outweigh the best interests of the public and defendants in a speedy trial.

1 18 U.S.C. § 3161(h)(8)(A). The failure to grant such a continuance would unreasonably deny  
2 counsel for defendant reasonable time necessary for effective preparation, taking into account the  
3 exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).

4  
5 DATED: April 3, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

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8 /S/  
GRANT P. FONDO  
9 Assistant United States Attorney

10 /S/  
11 MANUAL ARAUJO  
Counsel for Defendant

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## **ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between March 16, 2009 and April 13, 2009 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The failure to grant such a continuance would unreasonably deny counsel for defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

DATED:

4/15/09

HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE